

**THOMAS P. DAVIS and MARVINA
JENKINS,**

Plaintiffs,

V.

**UNUM GROUP and its Predecessors and
Subsidiaries, including UNUMPROVIDENT
CORPORATION, UNUM CORPORATION,
PROVIDENT COMPANIES, INC.,
PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY, THE PAUL
REVERE LIFE INSURANCE COMPANY,
and THE PAUL REVERE CORPORATION,**

Defendants.

CIVIL ACTION

NO. 03-940

ORDER

AND NOW, this 16th day of June 2011, upon consideration of Defendants' Motion for Summary Judgment (Document No. 36, filed August 20, 2010), Plaintiffs' Opposition to Defendants' Motion for Summary Judgment Seeking to Dismiss Counts II and III (Document No. 38, filed October 4, 2010), Defendants' Reply Brief on Their Motion for Partial Summary Judgment Dismissing Counts II and III (Document No. 42, filed November 3, 2010), and the related submissions of the parties,¹ for the reasons set forth in the Memorandum dated June 16,

¹ The only filing the Court declines to consider is plaintiffs’ “RICO Case Statement” and accompanying exhibits (Document No. 45, filed April 27, 2011). A RICO Case Statement is a document generally, if not exclusively, used to expand on allegations of a Complaint; it is not to be used as evidence in opposition to a motion for summary judgment. Moreover, the time for completing briefing on defendants’ motion for summary judgment was November 3, 2010. The Court deems inappropriate plaintiffs’ attempt to supplement briefing on defendants’ motion by filing hundreds of pages of exhibits almost six months after the motion became fully briefed.

2011, **IT IS ORDERED** that Defendants' Motion for Summary Judgment is **GRANTED**.

IT IS FURTHER ORDERED that, in accordance with the Court's September 3, 2010 Order, the parties shall submit a joint proposed scheduling order on or before July 16, 2011.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.